



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Montelaro et al.
Serial No. : 10/079,075 Gr. Art Unit: 1653
Filed : February 16, 2001 Examiner: Liu, Samuel W
For : VIRUS DERIVED ANTIMICROBIAL PEPTIDES

RESPONSE TO RESTRICTION

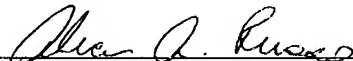
I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231

May 30, 2003

Date of Deposit

Alicia A. Russo

Attorney Name


Signature46,192

PTO Registration No

May 30, 2003

Date of Signature

RECEIVED
JUN 05 2003
TECH CENTER 1600/2900

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated May 2, 2003, please consider the following remarks.

The Examiner alleges that the claims of the above-referenced application are directed to the following nine distinct inventions:

Group I: Claims 1 and 8-41, drawn to the peptide, a composition comprising the peptide, and a solid phase comprising the peptide classified in class 530, subclass 300;

Group II: Claims 42-43, 48-50, and 62, drawn to a method of *in vitro* inhibiting bacterial growth comprising administering to a mammalian cell the peptide, classified in class 514, subclass 2, class 424, subclasses 409, 9.322, 9.37;

Group III: Claims 42-43, 48-50 and 62, drawn to a method of *in vitro* inhibiting fungal growth comprising administering to a mammalian cell the peptide, classified in class 514, subclass 2, class 424, subclasses 409, 9.322 and 9.37;

Group IV: Claims 42-43, 48-50 and 56, drawn to a method of *in vitro* inhibiting virus growth comprising administering to a mammalian cell the peptide, ,classified in class 514, subclass 2, class 424, subclasses 409, 9.322 and 9.37;

Group V: Claims 51-53, drawn to a method of suppressing HIV-1 *in vitro* infectivity comprising administering to a mammalian cell the peptide, are classified in class 514, subclass 2, class 424, subclasses 185.1, 188.1, 9.322 and 9.37;

Group VI: Claims 54-57 and 61, drawn to a method of *in vivo* inhibiting bacterial growth comprising administering to a subject the peptide, classified in class 514, subclass 2, class 424, subclasses 409, 9.322 and 9.37;

Group VII: Claims 54-57 and 61, drawn to a method of *in vivo* inhibiting fungal growth comprising administering to a subject the peptide, classified in class 514, subclass 2, class 424, subclasses 409, 9.322 and 9.37;


Group VIII: Claims 54-61, drawn to a method of *in vivo* inhibiting virus growth comprising administering to a subject the peptide, classified in class 514, subclass 2, class 424, subclasses 185.1, 188.1, 9.322 and 9.37; and

Group IX: Claims 63-65, drawn to a method for suppressing HIV-1 infectivity *in vivo* comprising contacting a cell of the subject with the peptide, classified in class 514, subclass 2, class 424, subclasses 185.1, 188.1, 9.322 and 9.37.

Applicants elect to pursue the claims of Group I in the present application without traverse and without prejudice to pursuing the claims of the remaining groups in one or more divisional applications.

In view of the remarks made herein, Applicants respectfully submit that the claims are presently in condition for allowance. Favorable consideration of this application is therefore earnestly solicited.

Respectfully submitted,



Rochelle K. Seide
Patent Office Reg. No. 32,300

Alicia A. Russo
Patent Office Reg. No. 46,192

30 Rockefeller Plaza, 45th floor
New York, New York 10112-4498
Attorneys for Applicants
(212) 408-2627

Title: VIRUS DERIVED ANTIMICROBIAL PEPTIDES

Use Space Below for Additional Information: